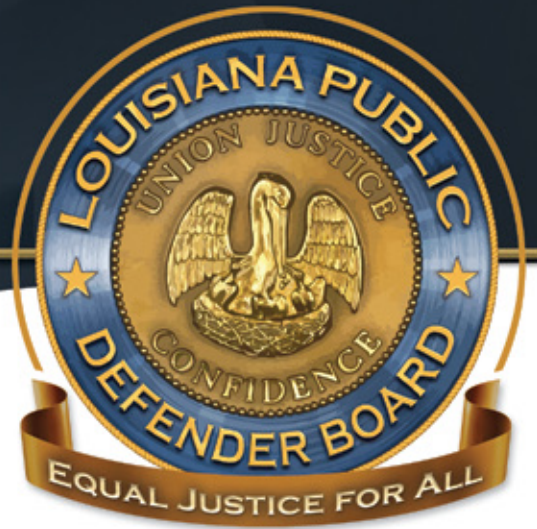


## LOUISIANA PUBLIC DEFENDER BOARD

WWW.LPDB.LA.GOV



### About LPDB

Created by the **Public Defender Act of 2007**

State Public Defender:  
**Jean M. Faria**

Deputy Public Defender:  
**Julie Kilborn**

**Location:** Baton Rouge

**15-member Board of Directors (plus two ex officio members)**

**16-person executive branch state agency**

#### **Staff divisions:**

Administration  
Compliance  
Training  
Capital Defense  
Juvenile Defense  
Budget  
Information Technology  
Management  
Special Projects

**Fiscal Year Budget (2012):**  
\$32,799,336

- 5% of the budget supports the agency - the remainder is distributed to the field for the representation of indigent clients.
- Contracts with District Defenders and supervises public defense services in all 42 judicial districts.
- Program Member of the National Legal Aid & Defender Association and the Community Oriented Defender Network.
- Works with Louisiana Office of Student Financial Assistance to provide law school loan reimbursement for eligible public defenders.

# The State We're In:

Louisiana has the highest rate of incarceration of any state in the nation, significantly ahead of the state with the second highest rate (Mississippi). The United States has the highest incarceration rate of any nation on Earth, giving Louisiana the distinction of incarcerating more people per capita than any other jurisdiction on the planet.<sup>i</sup>

In 2007, Louisiana spent over 7% of its total state operating budget on prisons and Corrections costs.<sup>ii</sup> This does not include costs for prosecution, defense, courts, appeals or pre-trial incarceration. Tax dollars spent on prisons take away from other public projects: schools, roads, hospitals and coastal preservation.

Louisiana has approximately 38,000 prisoners in the state's 12 state correctional facilities.<sup>iii</sup>

Pre-trial prisoners, trustees and those serving short sentences are also housed in the state's 108 local jails.<sup>iv</sup>

Louisiana is the only state in the nation that funds the majority of its constitutional obligation to provide for the right to counsel from unpredictable and unreliable revenue sources, such as assessments on traffic tickets. There is simply no correlation between the amount of mon-

ey that may be collected in any local parish and the number of people needing an attorney under the Sixth Amendment in our Bill of Rights.

Despite increases in state funding and significant improvements to the administration of the state public defender system, Louisiana remains out of step with every other state in the country due to its reliance on non-general fund revenues.<sup>v</sup>

The Louisiana State Constitution guarantees that at each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. It is the responsibility of the legislature to provide for a uniform system for securing and compensating qualified counsel for indigents.<sup>vi</sup>

Due to funding insufficiencies, caseload concerns and other practice issues, litigation remains a persistent threat throughout the state. Since the Louisiana Public Defender Board was formed in 2007, it has been involved in litigation in four districts (the 6th, 14th, 24th, 41st) and has been threatened with litigation from social justice advocacy groups in several more.



## LPDB Mission

In pursuit of equal justice, the Louisiana Public Defender Board advocates for clients, supports practitioners and protects the public by continually improving the services guaranteed by the constitutional right to counsel.

Through its commitment to performance standards, ethical excellence, data-driven practices and client-centered advocacy, the Louisiana Public Defender Board oversees the delivery of high quality legal services affecting adults, children and families, and supports community well-being across Louisiana.

### Juvenile Justice

One out of every four Louisianans is a child.<sup>vii</sup> Louisiana is ranked 49th in the nation based on 10 key child welfare indicators according to 2011 Kids Count Data.<sup>viii</sup> Louisiana is ranked 41st in the nation, with 24% of children living in homes with an income level below the poverty line.<sup>ix</sup> The 2010-2011 preliminary graduation rate for Louisiana's high school students is 70.9%, a slight increase from 67.3% in 2009.<sup>x</sup>

Juvenile law is a distinct and specialized practice, utilizing separate procedures, outlined in the Louisiana Children's Code.

Louisiana has four statutorily created juvenile courts (in Caddo, Orleans, Jefferson and East Baton Rouge). In the remaining 38 districts, there is no specialized juvenile court.

Children in the juvenile justice system have unique needs. A 2007 study by the Juvenile Justice Implementation Commission reported that of the current youth in secure care, 42% had a severe mental illness, 47% had documented educational disabilities, and 54% were mentally re-

tarded or had borderline mental functioning.<sup>xi</sup>

From 1998 until 2006, as part of litigation initiated by the U.S. Department of Justice, juvenile prisons in Louisiana were under federal supervision for more than 8 years because of documented violence against youth, inadequate access to services and other problems.<sup>xii</sup>

Louisiana's juvenile justice system receives significant national support. Louisiana is one of four MacArthur Foundation 'Models for Change' states, with six selected sites focusing on reducing racial disparity, encouraging access to services, and supporting alternatives to incarceration. Louisiana is one of eight states in the country comprising the Juvenile Indigent Defense Action Network. Louisiana is also an Anne E. Casey 'Juvenile Detention Alternatives Initiative' state, with five local sites working to continue juvenile defense reforms in Louisiana.<sup>xiii</sup>

Louisiana has made some significant juvenile justice improvements: from 2008 through 2010 the rate (per thousand) of youth ages 10-20 under the su-

pervision of the Office of Juvenile Justice dropped from 7.1 to 6.1.<sup>xiv</sup>

### Innocence

Louisiana not only has the country's highest incarceration rate, but also an unconscionably high rate of wrongful conviction. Since 1991, 31 individuals have been wrongfully convicted -- serving a total of more than 400 years in prison for crimes that they did not commit.

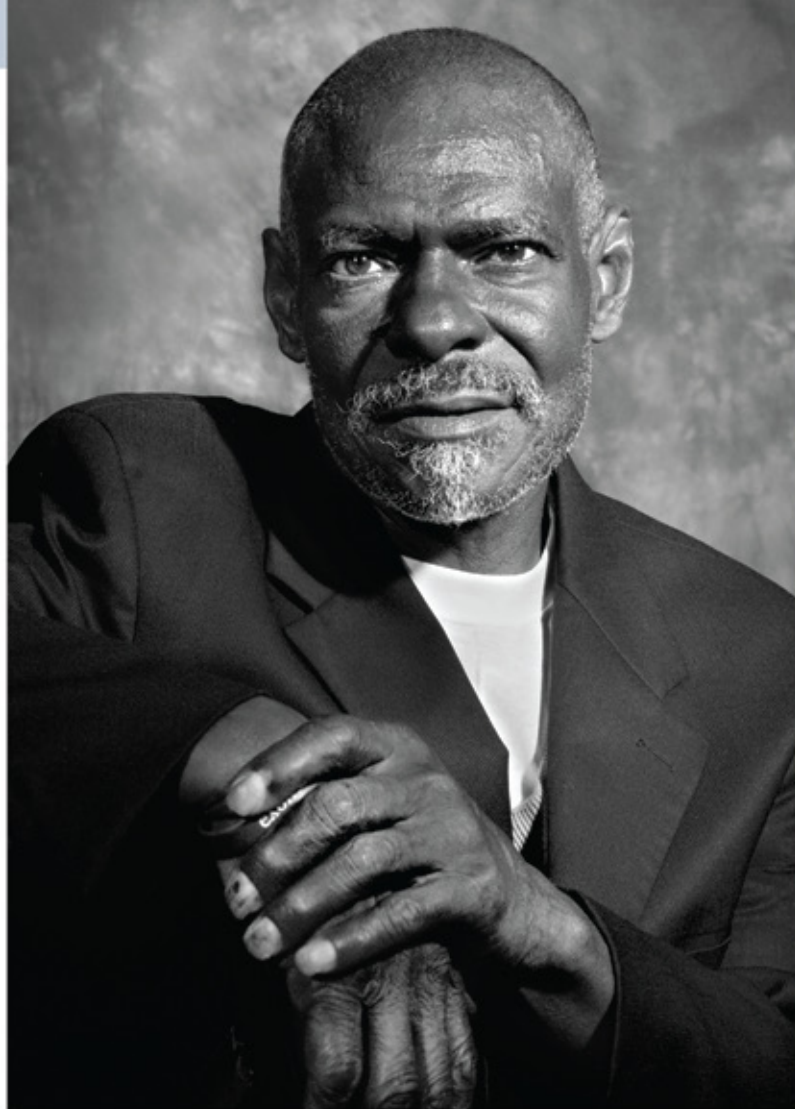
Since its founding in 2000, the Innocence Project New Orleans has received over 3,000 applications from prisoners seeking representation for wrongful conviction. IPNO is only able to accept a small fraction of applications. Currently, IPNO is actively investigating or representing 30 clients.<sup>xv</sup>

### Progress

Since its founding in 2007, the Louisiana Public Defender Board (LPDB) has made significant improvements to the public defender system. Despite continuing funding shortfalls, LPDB has implemented a comprehensive, statewide training program; promulgated trial court performance standards and specialized standards for delinquency and CINC

parent representation; promulgated guidelines for capital defense representation; executed contracts with all 39 District Defenders; conducted site visits to all district offices and contract programs; established a system for monthly caseload and financial reporting from all districts; created advisory councils; restructured the capital certification process; administered more than \$700,000 in direct grants; and procured pro bono technical assistance for numerous districts to make internal and systemic improvements to local justice systems.

The agency, as well as many of its board and staff members and the Juvenile Defender Advisory Council, has received numerous awards in recognition of its work.



In 1981, Clyde Charles was arrested near Houma for a crime he did not commit. He was convicted and sentenced to life in prison for aggravated rape. Nearly 19 years later, Mr. Charles was exonerated by DNA evidence. He passed away in Houma in January 2009 at the age of 53

#### Footnotes

- i 1 in 100: Behind Bars in America 2008, Pew Charitable Trusts
- ii 1 in 100: Behind Bars in America 2008, Pew Charitable Trusts
- iii More information at: [www.corrections.state.la.gov](http://www.corrections.state.la.gov)
- iv More information at: [www.laclu.org](http://www.laclu.org)
- v More information at: [www.nlada.org](http://www.nlada.org)
- vi Louisiana State Constitution, 1974, Article 1, §13
- vii <http://quickfacts.census.gov/qfd/states/22000.html>
- viii [http://datacenter.kidscount.org/databook/2011/OnlineBooks/2011KCDB\\_FINAL.pdf](http://datacenter.kidscount.org/databook/2011/OnlineBooks/2011KCDB_FINAL.pdf)
- ix [http://datacenter.kidscount.org/databook/2011/OnlineBooks/2011KCDB\\_FINAL.pdf](http://datacenter.kidscount.org/databook/2011/OnlineBooks/2011KCDB_FINAL.pdf)

- x [http://doe.louisiana.gov/topics/cohort\\_rates.html](http://doe.louisiana.gov/topics/cohort_rates.html)
- xi Juvenile Justice Implementation Commission, December 10, 2007, available upon request
- xii More information at: [www.jjpl.org](http://www.jjpl.org)
- xiii More information at [www.macfound.org](http://www.macfound.org) and [www.aecf.org](http://www.aecf.org)
- xiv <http://datacenter.kidscount.org/data/bystate/stateprofile.aspx?state=LA&group=Custom&loc=20&ind=1532%2c42&dt=1%2c3%2c2%2c4>
- xv More information at: [www.ip-no.org](http://www.ip-no.org)



**Full-Time Staff  
System**

**Part-Time Staff  
System**

**Hybrid System**

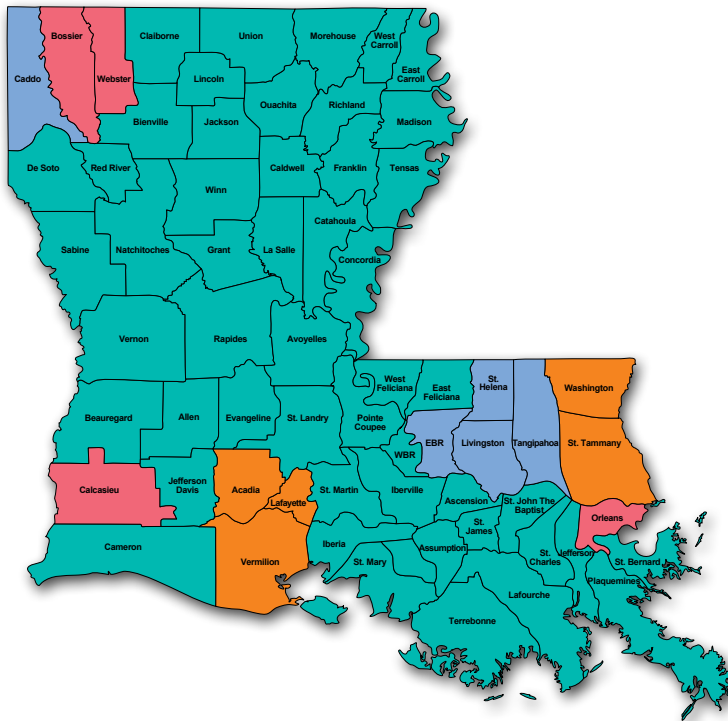
**Contract System**

Louisiana has three full-time staff public defender offices.

Other districts operate as part-time staff offices, hybrid systems or through contract employment.

There are no assigned counsel systems.

## Public Defense System – Delivery Models By District



### Definitions:

“**Full-Time**” systems expect staff to regularly work at least 40 hours/week and prohibit attorneys handling from any private cases for compensation.

“**Part-Time**” systems include staff systems or systems that employ staff by contract and allow private practice (with or without) policies for compensation, conflicts or caseload.

“**Hybrid**” systems are transitioning to full-time systems and use a combination of contract or part-time public defenders as well as some full-time attorneys with prohibited private practice.

“**Contract**” systems include systems where the District Defender and/or administrative personnel may be “staff” (working full-time, with no other practice or parish employees), but the majority of staff are employed via contract.



### LOUISIANA PUBLIC DEFENDER BOARD

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